



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0369

by Rep. Deborah Conroy

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-7

from Ch. 38, par. 3-7

Amends the Criminal Code of 2012. Provides that the period within which a prosecution must be commenced does not include any period in which the sexual assault evidence is collected and submitted to the Illinois State Police until the completion of the analysis of the submitted evidence, including but not limited to collection of evidence of a sexual assault using the Illinois State Police sexual assault evidence collection kit. Defines "completion of the analysis of the submitted evidence", "sexual assault", and "sexual assault evidence".

LRB099 04339 RLC 24366 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 3-7 as follows:

6 (720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

7 Sec. 3-7. Periods excluded from limitation.

8 (a) The period within which a prosecution must be commenced
9 does not include any period in which:

10 (1) the ~~(a) The~~ defendant is not usually and publicly
11 resident within this State; or

12 (2) the ~~(b) The~~ defendant is a public officer and the
13 offense charged is theft of public funds while in public
14 office; or

15 (3) a ~~(c) A~~ prosecution is pending against the
16 defendant for the same conduct, even if the indictment or
17 information which commences the prosecution is quashed or
18 the proceedings thereon are set aside, or are reversed on
19 appeal; or

20 (4) a ~~(d) A~~ proceeding or an appeal from a proceeding
21 relating to the quashing or enforcement of a Grand Jury
22 subpoena issued in connection with an investigation of a
23 violation of a criminal law of this State is pending.

1 However, the period within which a prosecution must be
2 commenced includes any period in which the State brings a
3 proceeding or an appeal from a proceeding specified in this
4 paragraph (4) subsection (d); or

5 (5) a (e) A material witness is placed on active
6 military duty or leave. In this paragraph (5) subsection
7 (e), "material witness" includes, but is not limited to,
8 the arresting officer, occurrence witness, or the alleged
9 victim of the offense; or

10 (6) the (f) The victim of unlawful force or threat of
11 imminent bodily harm to obtain information or a confession
12 is incarcerated, and the victim's incarceration, in whole
13 or in part, is a consequence of the unlawful force or
14 threats; or -

15 (7) the sexual assault evidence is collected and
16 submitted to the Department of State Police until the
17 completion of the analysis of the submitted evidence.

18 (b) For the purposes of this Section:

19 "Completion of the analysis of the submitted evidence"
20 means analysis of the collected evidence and conducting of
21 laboratory tests and the comparison of the collected
22 evidence with the genetic marker grouping analysis
23 information maintained by the Department of State Police
24 under Section 5-4-3 of the Unified Code of Corrections and
25 with the information contained in the Federal Bureau of
26 Investigation's National DNA database.

1 "Sexual assault" has the meaning ascribed to it in
2 Section 1a of the Sexual Assault Survivors Emergency
3 Treatment Act.

4 "Sexual assault evidence" has the meaning ascribed to
5 it in Section 5 of the Sexual Assault Evidence Submission
6 Act.

7 (Source: P.A. 93-417, eff. 8-5-03; 94-1113, eff. 1-1-08.)